

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 2/15/2006 - KL

Division/Department: County Attorney

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Suzanne Hutton

AGENDA ITEM WORDING: Approval to advertise a public hearing for an Ordinance to revise Chapter 3, Monroe County Code, to prohibit abandonment of an animal, to require spaying/neutering, to provide an incentive for permanent identification, to correct inconsistencies, prohibit chaining, and to provide uniformity and more thoroughly cover issues faced by animal control officers.

ITEM BACKGROUND: USFWS and the nature Conservancy sent representatives to a feral cat meeting called by Commissioner Neugent to address, primarily, issues of curtailing the feral cat population on Big Pine Key and in other areas where endangered species may be impacted by the proliferation of feral cats. The County's contractors for animal control, and others present, agreed generally that certain measures were important in tackling the problems of domesticated animals negatively impacting the habitat of endangered and threatened species. It was observed that while there is a state statute against abandoning animals, which would be prosecuted by the State Attorney's Office if there was sufficient staff to address such offenses, a County Ordinance enforceable by animal control officers through a citation system, and other means, would help with this particular impact on habitat. Similarly, a positive impact on the environment was deemed likely if spay/neuter was mandatory, but allowing for a lawful exclusion. Subsequent meeting of contractors and interested members of the public with the commissioner resulted in consensus drafts of several ordinances. The chapter has been re-written to incorporate agreed upon changes, changes indicated as useful, and changes indicated by a model code and plan for pet-friendly ordinances, as well as much of the applicable statutes to enhance local enforcement.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☒ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____

John R. Collins 02/13/06
John R. Collins, County Attorney

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

ORDINANCE NO. - 2006

AN ORDINANCE AMENDING CHAPTER 3, MONROE COUNTY CODE; PROVIDING CLARIFICATION OF AUTHORITY OF ANIMAL CONTROL OFFICERS AND OF OTHER PROVISIONS OF CHAPTER 3; PROVIDING FOR RABIES VACCINATIONS OF FERRETS AND CHANGING REQUIRED AGES OF CATS AND DOGS TO BE VACCINATED; PROVIDING PENALTIES ENFORCEABLE BY CODE VIOLATION PROSECUTION FOR DANGEROUS AND VICIOUS DOGS; PROVIDING FOR PROHIBITIONS AGAINST ABANDONMENT OF ANIMALS AND CHAINING OF DOGS; PROVIDING FOR REQUIREMENT OF PERMANENT IDENTIFICATION AND SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR EXEMPTIONS AND ESTABLISHING CRITERIA AND PROCESS TO OBTAIN AN EXEMPTION FROM REQUIREMENTS FOR PERMANENT IDENTIFICATION AND OF SPAY AND NEUTER OF DOGS AND CATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Monroe County Code Chapter 3 sets forth provisions regulating animals and animal owners and keepers in the interest of the health, safety and welfare of the citizens of Monroe County; and

WHEREAS, the Board of County Commissioners recognizes that some provisions in Chapter 3 require clarification for ease of interpretation and compliance by the general public as well as the Officers designated to enforce the provisions; and

WHEREAS, the contractors providing animal control services have responded to US Fish and Wildlife's concern about feral cats in endangered species habitat by suggesting enactment of ordinances to require spay/neuter, permanent identification, and prohibiting abandonment; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Chapter 3, Monroe County Code, shall be amended as follows:

Chapter 3 ANIMALS AND FOWL

Sec. 3-1. Short title; authority and purpose of provisions.

This Chapter shall be referred to as the "Monroe County Animal Control Ordinance" and is enacted under the powers of the Board of County Commissioners of Monroe County, Florida, to regulate animals and animal owners and keepers in the interest of the health, safety and welfare of the citizens of Monroe County.

Sec. 3-2. Legislative findings and intent.

The Board of County Commissioners of Monroe County, Florida, finds that ownership of an animal carries with it responsibilities to the County and the general public with regard to care and

control of the animal. In interpretation and application, the provisions of this Chapter shall be construed to impose a primary responsibility for compliance with this Ordinance on the owner of an animal. The Board of County Commissioners concludes that it is advisable to enact a revised Animal Control Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within Monroe County and providing for the orderly and uniform administration of the provisions governing animal welfare and control.

- (1) The Board of County Commissioners finds that the presence of dangerous animals and vicious animals, as defined in this Ordinance, within Monroe County creates an increased danger to public health and safety to the welfare of other animals and people.
- (2) The Board of County Commissioners finds that the authority endowed upon the County Administrator to reassign and reallocate job functions may result in changes in the Division Director assigned responsibility by the County Administrator for oversight of the animal control functions.
- (3) The Board of County Commissioners finds that it is inhumane to mistreat, neglect or abandon an animal. It is the intent of this ordinance to impose penalties of significance in order to deter such action and to reduce the possibility of repeat violations by rendering the violators ineligible to adopt pets from County animal shelters.
- (4) The Board of County Commissioners finds that proposed penalties for abandonment, permanent identification, breeding and spay/neuter requirements differ significantly from penalties existing on the books which penalties are no longer commensurate with the severity of the violation, and, therefore, changes to Chapter 3 need to incorporate a system of different set of penalties designed to provide leniency and education for a first offense and a penalty of significance to act as a deterrent for subsequent offenses, and to provide uniformity to enhance the ability of animal control Officers and the court to enforce the animal control laws.
- (5) Section 19-153(b), MCC, limits domesticated animals to two per household, which conflicts with the four allowed per premises in Section 3-16, MCC.
- (6) The Board of County Commissioners finds that it is inhumane to chain, tether, or tie a dog to a stationary object or to confine it in a small space.
- (7) The Board of County Commissioners finds that pet overpopulation continues to negatively impact our communities by threatening the ecosystem and requiring enhanced animal control services.
- (8) The Board of County Commissioners finds the pets which find egress from fenced yards and other enclosures in order to seek out other animals are predominantly unaltered and become a nuisance by uncontrolled breeding and running at large.
- (9) The Board of County Commissioners finds that violations of the Florida statutes governing the treatment of animals are more likely to be addressed if the County Code incorporates some of the statutory provisions to enable enforcement of such laws by local government officers.
- (10) It is the intent of the Board of County Commissioners that this ordinance shall:
 - A) make provisions for penalties and contesting citations uniform;
 - B) eliminate inconsistencies and errors in the County Code and make the codified provisions regarding animals easier to understand and apply;
 - C) provide incentives to those demonstrating responsible pet ownership
 - D) impose penalties of significance in order to deter abandonment, mistreatment, and other inhumane action and to reduce the possibility of repeat violations by rendering the violators ineligible to adopt pets from County animal shelters; and
 - E) require pet owners to be fully responsible for their pets, to have them neutered or to take extraordinary precautions to prevent the pets from having further negative impacts caused by uncontrolled breeding, and requiring an exemption license, forfeitable for noncompliance;

Sec. 3-2. 3-3. Definitions.

- (1) Abandon means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or to leave an animal unattended for more than 24 hours, release the animal upon public roads or public or private lands, or fail to provide adequate food, water, exercise or medical care
- (a2) Animal means any living dumb creature, including any mammal, bird, fish, reptile, ferret, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.
- (3) Animal at large means any animal, other than a cat, which is not under the control, custody, charge or possession of the owner or other responsible person in attendance, by leash, chain, a tether (no less than 10 feet), secure fence or other means of confinement or restraint.
- (4) Animal control officer means any person employed or appointed by the County for the purpose of enforcing County ordinances or state statutes pertaining to animal care and control, who is authorized to investigate on public or private property civil infractions relating to animal control or cruelty and to issue citations as provided in this Chapter, and whose appointment is approved by the Board of County Commissioners, and whose appointment is approved by a judge of the county court or circuit court for Monroe County. For purposes of enforcement of violations of this chapter, the terms animal control officer and animal control supervisor are interchangeable.
- (5) Animal control shelter means a facility designated or recognized by the County or State of Florida for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.
- (6) Animal control supervisor means a person who has been duly appointed as an animal control officer and who is:
- (a) The person, if the function of animal control is administered by County employees or a single independent contractor has contracted for animal control services County-wide, who has authority and responsibility for all Monroe County animal shelters and to whom all duly appointed animal control officers shall report; or
- (b) Any person with authority and responsibility for one or more Monroe County animal shelters and to whom duly appointed animal control officers shall report by area under the jurisdiction of any single contractor, if the animal control functions within the County are administered by more than one independent contractor.
- (7) Animal fighting means fighting between roosters or other birds or between dogs, or between other animals of the same species.
- (8) Bait means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.
- (e9) Board means the Board of County Commissioners of Monroe County.
- (10) Cat means any member of the species "Felis Catus."

- (e11) *Charging instrument* means a writing or document that recites the mode of committing an offense.
- (12) *Citation* means a charging instrument or written notice, issued to a person by an animal control officer or law enforcement officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain:
- a. The date and time of issuance.
 - b. The name and address of the person.
 - c. The date and time the civil infraction was committed.
 - d. The facts constituting probable cause.
 - e. The section of the County Code violated.
 - f. The name and authority of the officer.
 - g. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required under subsection (6).
 - h. The applicable civil penalty if the person elects to contest the citation.
 - i. The applicable civil penalty if the person elects not to contest the citation.
 - j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - k. A conspicuous statement that if the person is required to appear in court as mandated by subsection (6), he or she does not have the option of paying a fine in lieu of appearing in court.
- (d13) *Commercial kennel or cattery* means a facility which offers the services of a kennel or cattery for a profit.
- (14) *Cruelty* means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, and includes but is not limited to any omission of a duty to provide food and water, shelter, and health care which omission causes unjustifiable pain or suffering of an animal, and allowing pain or suffering to continue when there is reasonable remedy or relief.
- (f15) *Dangerous animal* means ~~any animal which has attacked without provocation a person or another animal, or which has been trained to attack on command.~~ bites or attacks a person or an animal but does not include the following:
- (a) An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats the animal cruelly; or

(b) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect itself or another animal or a person if that person is engaged in lawful activity and is the subject of an assault or battery or animal attack.

~~(g) — Department manager means the department manager authorized by this chapter.~~

(16) Direct control means control which is immediate and continuous.

(17) Dog means any member of the species "Canis Familiaries."

(z18) Domesticated companion animal means any species of animal accustomed to living in or about the habitation of man and is dependent upon man for food and shelter. An animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

(h19) Effective voice command means voice control within twenty (20) feet by a competent person which at all times prevents the animal subject to the voice control from running at large or otherwise violating the provisions of this chapter.

(20) Ferret means any member of the species "Mustela Furo."

(i21) Fierce animal means any animal not dangerous or vicious but which frequently shows aggressive tendencies.

(j22) Keeper means any person or corporation possessing or having custody of an animal.

(k23) Kennel or cattery means a facility other than a veterinarian hospital or facility which provides service to owners of animals, including but not limited to the following: any establishment, except a pet shop or animal protection shelter, wherein or whereon animals are kept for boarding, training, care and grooming, breeding, or stud services for remuneration, or sales of offspring or adult animals, but does not include a veterinarian hospital.

(l24) Leash means a cord, strap or other like apparatus that is attached to an animal in an effort to control the movement of the animal by the holder thereof.

(m25) License certificate means a rabies vaccination and license certification document issued pursuant to this chapter. The Board may by resolution authorize the license certificate and rabies vaccination certificate to be a combined document.

(n26) License tag means a rabies vaccination and license tag, designed to be attached to an animal collar, issued pursuant to this chapter.

(o27) Licensed veterinarian means a veterinarian licensed to practice in the State of Florida.

(28) Livestock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennys, burros, goats, kids, swine, and any other fur-bearing animals being raised in captivity, including those other animals recognized by the Department of Agriculture as being within the jurisdiction of its Department.

- (29) Neglect means failure to comply with the minimum requirements for animal care set forth in this Chapter.
- (p27) Neutered or spayed means rendered permanently incapable of reproduction by surgical alteration, implantation of a device or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where the neutered or spayed condition has been certified by a veterinarian licensed in any state.
- (e28) Notice means a notice to appear, unless the context of the chapter requires a different definition.
- (f29) Nuisance means the following:
- (1a) An animal that habitually barks, howls, cries, screams or makes other bothersome noises any time of day or night; or
 - (2b) Any animal that, by its conduct or behavior, including but not limited to habitual or repeated destruction, desecration or soiling of any public or private property, habitual chasing of persons, cars or other vehicles, or running at large, causes a disturbance to the peace or causes injury or threat of injury to persons or property.
- (30) Officer means any law enforcement officer defined in s. 943.10, Florida Statutes, or any animal control officer.
- (31) Ordinance means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction.
- (s32) Owner means any person or custodian in charge of an animal and includes any person or corporation owning an having a right of property in the animal; or any person who feeds or shelters an animal or permits it to remain on the person's property for thirty (30) days or more an authorized agent of the person having a right of property in the animal; every person who keeps or harbors the animal or has it in his care, custody or control; and any person who has the apparent authority to have a right of property in the animal. An owner shall include every person who resides at the same address or permits an animal to remain on the premises in which that person resides, if such person is of legal age.
- (33) Person means any individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other legal or business entity. Knowledge and acts of agents and employees of corporations in regards to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation.
- (34) Pet means any Domesticated Companion Animal, excluding livestock, poultry, or wild animals, which is owned by any person.
- (35) Poultry means any domestic fowl, ornamental birds, and game birds.
- (t36) Premises means a tract of land, including its dwelling units, buildings and other appurtenances.
- (37) Provoke means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal.

~~(y38)~~ *Quarantine* means strict confinement by leash, closed cage, paddock, or in any other manner, and in a place as approved by the ~~county health agent~~ animal control supervisor of all animals specified in the order.

(39) *Rabies suspect animal* means any animal which has bitten, scratched, or broken the skin of a human being; been in contact with or been bitten, scratched or has had its skin broken by a rabid animal; or any animal which shows symptoms suggestive of rabies.

(40) *Rabies vaccination certificate* means a certificate issued by a licensed veterinarian attesting that the animal has been inoculated against rabies. The certificate shall be Form 51, "Rabies Vaccination Certificate", of the National Association of State Public Health Veterinarians or an equivalent form containing all the information required by said form. The form may be combined with the license certificate and the veterinarian who administers the rabies vaccine to the animal may affix his or her signature stamp in lieu of an actual signature.

(41) *Rabies vaccination tag* means a tag, designed to be attached to an animal collar and containing the rabies vaccination certificate number.

~~(u42)~~ *Sporting kennel or cattery* means a facility which offers no services for profit, which maintains animals solely for the owner's sporting or hobby purposes, and which sells offspring and adult animals only on an occasional basis. "Occasional basis" means animal sales of a frequency of no greater than one (1) litter per fertile female per year.

~~(v) Animal control Agent~~ means ~~any person employed or appointed by the county who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, and to issue citations as provided in Florida Statutes section 828.27. An animal control Agent is not authorized to bear arms or make arrests. "Agent" additionally means any law enforcement Agent defined in Florida Statutes section 943.10, and any veterinarian defined in Florida Statutes section 474.202.~~

~~(w43)~~ *Tether* means a rope or chain fastened to an animal and stationery object(s) to keep said animal within a certain boundary.

(44) *Torment* means an act or omission, including abandonment or neglect, that causes unjustifiable pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior.

(45) *Veterinary hospital* means any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases, illnesses, and injuries of animals.

~~(x46)~~ *Vicious animal* means ~~any animal which has; made two (2) or more unprovoked attacks on persons or animals; or an animal which has inflicted serious bodily harm on a person.~~

(a) previously been declared a "dangerous animal" under this Chapter or under Section 828.27(1), Florida Statutes;

(b) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or domesticated companion animals; or

(c) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other domestic companion animals.

A Vicious Animal does not include the following:

(a) An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats the animal cruelly; or

(b) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect itself or another animal or a person if that person is engaged in lawful activity and is the subject of an assault or battery or animal attack.

~~(z) Domesticated animal means any species of animal accustomed to living in or about the habitation of man and is dependent upon man for food and shelter.~~

~~(aa47) Wild animals means those species of animals that are not included in the definition of "domesticated animal."~~ Wild animal means any animal which is not a domesticated companion animal, or any crossbreeds of wild animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to: any venomous snake, python or constrictor snakes, owls, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolf-hybrids, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, mice/rodents, bats, birds, and any related fur or feathered non-domesticated companion animals.

Sec. 3-3 4. Construction; maintenance of pound animal control shelter; purposes; fees for impounded animals. Employing, Contracting and Appointment of Department manager animal control supervisor and Agentsofficers; duties.

~~(1) The board may purchase, lease or construct, and may operate and maintain county pounds or sub-pounds animal control shelters to retain the following:~~

- ~~(a) Animals at large,~~
- ~~(b) Any fierce, vicious or dangerous animals not properly secured or restrained by the owner or keeper,~~
- ~~(c) Animals that are nuisances, animals having or believed to have rabies or other infectious or contagious diseases,~~
- ~~(d) Dogs not licensed and inoculated as required by this chapter, or~~
- ~~(e) Any animal otherwise in violation of this chapter or required by this Chapter to be impounded or quarantined.~~

~~(2) The board may charge reasonable fees for impounding animals under this chapter. The owners or keepers of impounded animals shall pay the fees and execute a sworn statement of ownership or responsibility as a condition precedent to release of an impounded animal. Fees collected shall be deposited in the general revenue fund of the county, and all expenses of administering this chapter shall be paid from that fund. The board shall promulgate by resolution all charges to be paid under this chapter.~~

~~(3) Notwithstanding subsection (b), a dog which is not inoculated against rabies or which is not licensed shall not be released from a county pound until provisions have been made to properly inoculate and license the animal.~~ employ any person and or contract with any private non-governmental humane organization for the operation of animal shelter facilities and animal control responsibilities authorized by this chapter. When the board contracts with any society, association or corporation for the prevention of cruelty to animals to provide animal control and animal shelter services to the County, the contract shall provide for appointment of the entity's animal control supervisor and animal control officers as agents for the purpose of investigating violations of any of the provisions of Chapter 828, Florida Statutes, and the provisions of this Chapter. All animal control officers and supervisors, whether contracted or employed by the board, shall be appointed in the manner required by S. 828.03(2), F.S., providing for the

appointment of such officers to be approved by the Board of County Commissioners and a judge of the County or Circuit Court.

Sec. 3-45. Animal control officers and supervisors: qualifications; department manager; appointment; duties.

(1) ~~The board or its administrator is authorized to appoint or designate a suitable person to serve as an department manager, to carry out the purposes of this chapter. The board shall pay the department manager animal control supervisor such compensation as the board deems proper.~~

(2) ~~The department manager animal control supervisor and his authorized animal control Aofficers~~ may catch, seize or pick up:

- (a) Any stray animal;
- (b) Any animal at large;
- (c) Any fierce, vicious or dangerous animal not properly restrained or secured by the owner or keeper;
- (d) Any animal carrying or believed to be carrying rabies or other infectious or contagious diseases;
- (e) Any animal that is a nuisance;
- (f) Any dog not licensed and inoculated as required by this chapter;
- (g) Any sick or injured animal for which the owner or keeper cannot be found after reasonable effort to do so, or for which the owner or keeper is unable or unwilling to provide proper care;
- (h) Any animal which has been found engaged in animal fighting that is prohibited by this Chapter.
- (i) Any other animal authorized by this chapter to be quarantined, impounded, caught, seized or picked up.

(3) ~~The department manager animal control supervisor or his Aofficers or assistants~~ shall impound or otherwise dispose of such animals as provided under this Chapter.

(34) ~~The department manager animal control supervisor or his authorized and animal control Aofficers or assistants~~ shall investigate complaints or actions allegedly in violation of this chapter and shall issue citations demanding that the violations cease or be corrected. Those animal control ~~Aofficers~~ authorized to issue citations pursuant to sections 828.27(1)(b) and 828.23(1)(f), Florida Statutes, have authority under this chapter.

(45) Pursuant to law, the ~~department manager animal control supervisor and his authorized assistants~~ officers may enter public or unfenced private property within the county, except residential buildings, to carry out the duties imposed by this chapter.

(56) ~~The department manager animal control supervisor~~ may declare an animal to be a "fierce animal," "dangerous animal" or "vicious animal" as defined by section 3-2 of this chapter, and may order the owner of such animal to secure, restrain and confine it in a reasonable manner specified by the ~~department manager animal control supervisor~~.

(7) The animal control officer shall fulfill the following duties:

(A) The animal control officer shall promptly seize, take up and place in the animal protection shelter, or contracted services provider, all animals being kept or harbored or found running at large any place within the county contrary to the provisions of this Chapter or the statutes of the State. As to any cat found roaming or wandering on public property or private property other than that of its owner, that is unrestrained, without its owner immediately and visibly present in such area and without an identifying license tag, the animal control officer, after reasonable investigation, shall be vested with discretion to conclude that such cat is feral or abandoned by its owner and may seize and impound the cat in accordance with the provisions of this Chapter.

(B) The animal control officer shall be properly deputized as a peace or police Officer for the purpose of this Ordinance. He or she shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring animals contrary to the provisions of this Ordinance.

(C) The animal control officer shall dispose of impounded animals which are not claimed and released within seven (7) days by one of the following methods:

(1) adoption by an individual person who meets adoption criteria for the animal; or

(2) humane euthanasia under State statute if the animal is deemed unadoptable or cannot be placed within a reasonable time with a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter; or

(3) release to a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter.

However, if a dog or cat has a collar, license, or other evidence of ownership, the animal control officer shall notify the owner in writing by first class mail of the impoundment. Disposition of the animal shall then not be made until after ten (10) days from the date of mailing the notice. The animal control supervisor shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition of the animal. This section does not apply to animals which are sick or injured to the extent that the holding period would cause the animal to suffer. Regulations regarding the sale of animals from the animal protection shelter and boarding and other charges shall be posted in a conspicuous place at the animal control shelter. The bodies of all animals destroyed at the animal control shelter or elsewhere in the county shall be disposed of by the animal control officer in a manner approved by the Monroe County Health Department and the Board of Commissioners. Any animals voluntarily relinquished to the animal control shelter by their owners for disposition (not boarding), need not be kept for the minimum period of seven (7) or ten (10) days before release or disposal of the animal by the animal control officer.

(D) The animal control officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the animal control officer finds the animal responsible for the bite, he or she shall either impound or quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The animal control officer shall also be obliged to seize and impound any rabies-suspected animal and cause the animal to be either impounded or quarantined for examination for disease in accordance with the provisions of this Ordinance.

(E) The animal control officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into the private areas of buildings, unless in possession of a Search Warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or animals harbored, kept or possessed on the premises have complied with the provisions of this Chapter. The animal control officer is authorized and empowered to issue a citation to the owner of any dogs, cats or ferrets for whom no license has been procured in accordance with this Chapter or for any other violation of this Chapter. The provisions of this subsection shall include, but not be limited to, investigation of, and seizure for, cruelty to animals, and investigation and seizure of vicious or dangerous animals.

(F) The animal control officer shall have the duty to inspect any kennel, a license for which has been issued by any State or County agency or their authorized officers, and shall have the duty to notify the licensing agency of any conditions which are unhealthy or inhumane to the animals kept in the kennel. (h) The animal control officer shall have the duty to investigate complaints of animals alleged to be dangerous animals or Vicious animals, and shall have the right to seize, take up and impound such animals pending disposition pursuant to this Chapter.

(G) The animal control officer shall have the duty to investigate complaints of cruelty to or abandonment or neglect of animals and shall take such action as is required or permitted by the section of this Chapter governing animals in distress.

(H) The animal control officer shall be responsible for coordinating with the County Administrator or his designated appointee the sale of licenses and the keeping of appropriate records and related books of account.

(I) The animal control officer shall not sell, give or make available in any manner any live or dead animals of any species or any animal body parts or organs to be used for research, demonstration, experimental or any other purposes by any person, firm, corporation or institution, except to the extent necessary to comply with health laws and regulations concerning rabies. The animal control officer shall be responsible for disposition of the bodies of animals destroyed at the animal protection shelter in accordance with State law and regulations.

(J) The animal control officer shall provide to the state attorney for investigation and possible prosecution information concerning suspected violations of the following Florida Statutes: Section 828.122 governing fighting or baiting animals; Section 828.123 governing killing a dog or cat with intent to sell pelt and possession of pelts of dogs or cats with the intent to sell; Section 828.1231 governing the sale of garments or items of clothing containing dog or cat fur; Section 828.125 governing the killing or aggravated abuse of registered horses and cattle; and Section 828.29 governing the transportation into the state, and offering for sale of, dogs and cats. The County Attorney is authorized to seek injunctive relief against continued violations of said statutes if an investigation discloses probable cause to believe the violations are occurring and there is no criminal prosecution of the violations.

(K) The animal control officer shall have such other duties relating to the enforcement of this Chapter as the Board of Commissioners may from time to time provide.

- (8) The animal control officer, in enforcing the provisions of this Chapter and the statutes of the State pertaining to animals, may issue to the owner or keeper of an animal in violation of this chapter a citation containing a notice to pay a fine and/or appear in court or may make complaint to the State Attorney for the Sixteenth Judicial Circuit and to the Circuit or County Court in regard to any violations of this Chapter.
- (9) No employee of the County or any contracted entity shall perform the duties of an animal control officer unless that person has been certified through the training program described in Section 828.27(4)(a), Florida Statutes. This provision shall not preclude employees who are not certified from providing care for animals, maintenance of animal living areas or attending to other operational and administrative duties of the animal control and sheltering functions.

Sec. 3-6. Fees and Monies Collected.

(1) The board may charge reasonable fees for licensure and for impounding and care of animals under this chapter. The owners or keepers of impounded animals shall pay the fees and execute a sworn statement of ownership or responsibility as a condition precedent to release of an impounded animal. Fees collected shall be deposited in the general revenue fund of the county, and all expenses of administering this Chapter shall be paid from that fund. The board shall promulgate by resolution all charges to be paid under this Chapter. For any dog, cat or ferret that has been adjudicated a dangerous animal pursuant to Section 767.12, Florida Statutes, the license fees shall be increased by \$500.

(2) The Board may provide for a system of fees, which may include a system of discounts for responsible ownership, care and control of animals. In order for an owner to redeem any impounded animal, the required fees and all veterinary costs to provide such care necessary to sustain the animal in a humane manner while impounded shall be remitted to the animal control supervisor or officer.

(3) All fees and monies collected by the animal control officers and supervisor(s) shall be accounted for and turned over to the County Clerk on or before the first of each and every month, or more often if reasonably necessary, under the standard practices of the Clerk's accounting system.

Sec. 3-57. Vaccination of dogs, and cats, and ferrets.

(1) Any resident person who owns or keeps a dog, or cat, or ferret four (4) months old or older shall cause the dog, or cat, or ferret to be vaccinated effectively against rabies with a United States Government Department of Agriculture approved vaccine, by a licensed veterinarian. Evidence of vaccination shall consist of a rabies vaccination certificate signed by the veterinarian administering the vaccination and a eCounty rabies vaccination tag attached to the animal's collar. The certificate shall contain:

- (a) A numerically serialized certificate.
- (b) The name, address, and phone number of the owner.
- (c) The date of vaccination.
- (d) The expiration date of the vaccination.
- (e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.
- (f) The rabies vaccine manufacturer.
- (g) The vaccine lot number.
- (h) The type and brand of vaccine used.
- (i) The route of administration of the vaccine.
- (j) The signature of the licensed veterinarian.

(2) Upon production of a rabies vaccination certificate which meets the above criteria, a rabies vaccination tag may be issued by any animal control supervisor or animal control officer for the animal designated in the rabies vaccination certificate. No other vaccination certificate or tag issued by any other jurisdiction shall be valid in the county. A license

(3) The rabies vaccination certificate and tag are issued for one animal is and are only valid for the animal licensed and is are not transferable.

(2) Any nonresident who brings a dog six (6) months of age or older into Monroe County with intent to reside within the county permanently, or temporarily for a minimum of six (6) months, shall obtain a license certificate and a license tag from the department manager animal control supervisor or a licensed veterinarian within thirty (30) days of arrival. The owner must prove ownership of the animal.

(4) ~~Vaccination is excused only if the owner or keeper can prove that the dog or cat has been vaccinated against rabies within the past six (6) months by a veterinarian licensed to practice in any state has examined the animal and has certified or if a licensed veterinarian certifies in writing that a vaccination would be injurious to the animal's health because of its age, infirmity, disability, illness, or other medical considerations. In the latter case, the animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner, until the veterinarian can safely vaccinate the animal.~~

(5) A dog, cat or ferret which is required to be inoculated and not inoculated against rabies shall not be released from a county animal shelter or pound until provisions have been made to properly inoculate the animal.

(6) Each ferret vaccinated according to this section must be quarantined, when necessary, according to the rules of the Department of Health.

(7) An animal owner's name, street address, phone number, and animal tag number contained in a rabies vaccination certificate provided to the animal control authority is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or the owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccination certificate but only with respect to the particular animal biting, scratching, or otherwise causing exposure. Any person with an animal tag number may receive vaccination certificate information with regard to that animal. Law enforcement and prosecutorial agencies; other animal control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.

Sec. 3-68 Licenses.

- (1) Any person who owns or keeps in Monroe County a dog, cat or ferret ~~six (6)~~ four (4) months of age or older shall cause the animal to be licensed upon establishing residency in Monroe County or upon reaching the age of ~~six (6)~~ four (4) months and thereafter as conforms to the current status of the rabies vaccination. A license shall consist of a ~~rabies vaccination and~~ license certificate and a ~~rabies vaccination and~~ license tag for the animal's collar. License certificates and license tags may be issued only by the ~~department manager~~ animal control supervisors and licensed veterinarians upon proof that the animal has been inoculated against rabies as required by law and shall be valid for the number of years which the rabies vaccination covers. No ~~other~~ license certificate and or license tag issued by any other jurisdiction shall be valid in Monroe County. ~~A license certificate and license tag issued for one animal is only valid for the animal licensed and is not transferable.~~

- (2) An animal control supervisor shall keep a record of all dog, cat and ferret licenses and all kennel licenses issued during the year in his or her area of responsibility. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog, cat or ferret; and in the case of a kennel license, it shall state the place where the business is conducted.
- (3) In all prosecutions for violation of this Chapter, the records of the Animal Control supervisor(s), or the lack of such records, showing the name of the owner and the license number to which any license has been issued, and the license tag affixed to the collar or harness of the dog, cat or ferret showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog, cat or ferret and of issuance or non-issuance of a dog, cat or ferret license or tag.
- (24) Any nonresident who brings a dog, cat, or ferret six (6) months of age or older into Monroe County with intent to reside within the county permanently, or temporarily for a minimum of six (6) months, shall obtain a license certificate and a license tag from the ~~department manager~~ animal control supervisor or a licensed veterinarian within thirty (30) days of arrival. The owner must prove ownership of the animal.
- (25) The ~~department manager~~ animal control supervisor shall design-use the license certificates and license tags which are of uniform design for use throughout Monroe County, although the name, address, and phone number of the shelter from which the certificate and tag are issued may appear on the certificates and tags, and shall issue the license certificates and license tags to licensed veterinarians. The ~~department manager~~ animal control supervisor shall promulgate reasonable rules and regulations for collection of license fees and shall account annually to the board for revenues received.
- (36) The board shall establish by resolution the fees to be charged for the license certificate and license tag, and shall provide for a discounted license fee for animals that have been implanted or tattooed with a means of permanent identification.
- (47) A Monroe County residents who owns either a seeing-eye dog or a hearing dog, properly trained and actually being used to assist a blind person or a deaf person, respectively, may obtain from the ~~department manager~~ animal control supervisor a license at no charge upon presentation of proof of such utilization.
- (58) By resolution, the board may provide additional regulations for kennels and catteries, including provisions for registration, revocation of registration, discounted animal license fees, exemptions from license tag requirements, methods of confinement, inspections, and other necessary administrative requirements.
- (69) The board may, by resolution, authorize veterinarians to retain a specified portion of the license fee for each license issued as reimbursement for the cost of issuing the license.
- (710) In the event a license tag is lost or destroyed, a replacement shall be issued by the ~~department manager~~ animal control supervisor or licensed veterinarian upon presentation of the corresponding license certificate and payment of the appropriate fee.
- (811) It is unlawful for any person to remove the license tag of any licensed animal within Monroe County except:

(a) When the animal is participating in any organized exhibition, field trial or competition or is in training for these events, or is engaged in a legal sport under supervision of its owner or keeper, or is undergoing grooming; or

(b) When the dog is confined in a licensed kennel, grooming facility, veterinary hospital, or county pound facility, in which case the license tag number shall be recorded and readily identifiable with the animal to which it belongs; if the animal is not licensed, the facility shall clearly indicate it on the facility's records; or

(c) When a licensed veterinarian orders in writing that the license tag and collar be removed for reasons of the animal's health, in which case the animal shall be confined within an enclosed building or kennel, or within a fenced area and under direct control of the owner, at all times until the veterinarian permits the collar and tags again to be placed on the animal; or

(d) When the animal is being voluntarily confined within an enclosed building or kennel; or

(e) When the animal has been implanted or tattooed with a permanent means of identification. An owner who does not affix a license tag and collar to a dog, cat or ferret, which has no permanent identification, assumes the risk that the animal control officer, in fulfilling his/her duties under this Chapter, will regard the dog, cat or ferret as feral or abandoned and therefore subject to seizure and disposition in accordance with this Chapter and state law. The owner of an animal with permanent identification shall be exempted from the fees for impoundment the first time that such animal is found at large and impounded by an animal control officer.

(912) Persons newly residing in Monroe County shall comply with the licensing provisions of this section within thirty (30) days of change of residence.

(103) It is unlawful for any person to use or to possess a stolen, counterfeit or forged license certificate or license tag, vaccination certificate, inoculation deterrent form or other documentation required by or issued pursuant to this chapter.

(114) It is unlawful for the owner or keeper of a dog to refuse to show upon demand by the ~~department manager~~ animal control supervisor or ~~his authorized assistants~~ an animal control officer the license certificate or license tag or other documents required by and issued pursuant to this chapter.

(125) A dog, cat or ferret which is required to be licensed and which is not licensed shall not be released from a county pound until properly licensed,

(16) No license or license tag issued for one dog, cat or ferret shall be transferable to another dog, cat or ferret. Whenever the ownership or possession of any dog, cat or ferret is permanently transferred from one person to another within the same county, the license of the dog, cat or ferret may be likewise transferred by the last registered owner upon proper notice in writing to the Clerk who shall note the transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of the dog, cat or ferret is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

(17) Any animal control supervisor and any animal control officer may refuse to issue to any person who has been convicted of any state or federal crimes related to animals a license for a dog, cat or ferret.

Sec. 3-9. Suspension or revocation of license; seizure of animals.

All suspensions and revocations of licenses and all seizures and impoundments of animals shall be in accordance with this Chapter and with such rules and regulations as are adopted from time to time by the Board of Commissioners.

3-10. Kennel License Required - License Fee

(1) Each person, group, association, or corporation, other than a licensed veterinarian, engaged in the commercial business of buying, selling, breeding or boarding dogs or cats, who owns or keeps five (5) or more dogs and/or cats in a kennel, shall obtain a kennel license from the County upon a showing of adequate space, staff and resources to provide humane care and treatment for the number of animals for which said kennel shall be licensed. License applicants shall be required to show that they are in compliance with all applicable federal and state regulations. The kennel license fee shall be as follows:

\$250 per annum for a capacity up to five; \$500 per annum for a capacity of six to ten; \$1,000 per annum for a capacity over 10.

(2) The board may, by resolution, provide discounted kennel license fees upon proof of such conditions as the board deems a justifiable reason for reducing the licensing fees.

(3) No animal control supervisor or animal control officer shall issue a kennel license to any person who has, at any time, been convicted of animal cruelty, abuse or neglect, except upon a Court Order following a show cause hearing wherein the person seeking the kennel license has shown that he or she can and will run, keep and operate the kennel in a safe and humane fashion and in accordance with State laws and this Ordinance.

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Sec. 3-711. Animals at large prohibited; restraint of fierce, dangerous, vicious animals; nuisances; confinement of female dogs and cats in heat; "curbing" dogs.

(1) It is unlawful for any No owner or keeper of an animal other than a domestic cat shall willfully or negligently to allow the animal to run at large on any public property or on any private property of another without permission of the property owner. Any animal under the close supervision of its owner or keeper or otherwise engaged in an organized animal exhibition, field trial, competition, legal sport or training for these activities, shall not be deemed to be an animal at large. It is unlawful for owners or keepers of a diseased animal, including a diseased cat, to allow the animal to run at large.

(2) It is unlawful for the No owner or keeper of an animal declared by the department manager animal control supervisor to be fierce, vicious or dangerous shall either willfully or negligently to allow the animal to run at large or to fail to secure, restrain or confine the animal as ordered by the department manager animal control supervisor or animal control officer pursuant to this eChapter.

(3) It is unlawful for any No animal owner or keeper to shall permit, either willfully or negligently, the animal to be a nuisance. The owner or keeper of any animal for which the owner or keeper has been given notice that the animal constitutes a public nuisance shall take necessary precautions to abate the nuisance. At a minimum, the owner or keeper shall immediately confine the animal in such manner as is necessary to prevent the continuation of the nuisance. Within fourteen days of receipt of notice that an animal constitutes a public nuisance, the owner or keeper shall permanently confine the animal, have the animal destroyed by euthanasia by a licensed veterinarian or, or remove the animal from the county, whichever may be necessary to

the abatement of the nuisance. Failure to abate the nuisance as required herein shall be deemed the maintaining of a public nuisance in violation of this Chapter.

(4) ~~It is unlawful for any~~ No owner or keeper to shall permit a female dog or cat in heat (estrus) to be upon the streets or in any public place. The owner or keeper of a female dog or cat in heat shall confine the animal so as to make it inaccessible to any male dog or cat except for controlled and intentional breeding purposes. ~~Confinement solely by a leash, chain or other similar restraint, Maintaining direct control or confinement~~ within a fence, open kennel, open cage or run may be, but shall not be presumed to be; insufficient and not in compliance with this section, unless other measures have been instituted to prevent uncontrolled breeding.

(5) a. ~~It is unlawful for a~~ No dog owner or keeper to shall allow an unleashed dog upon any school grounds.

b. ~~It is unlawful for a~~ No dog owner or keeper shall, either willfully or negligently, to permit the dog, to defecate upon any public property, except where designated by official signage, private property without the permission of the owner. A dog owner or keeper is required to remove the dog's feces from any public property or school grounds or any private property upon which the dog is not permitted to defecate. A person having custody or control of an animal on property other than his own shall be equipped to collect and shall collect such animal's solid waste when eliminated.

c. Except for animals that assist disabled persons, domestic animals are prohibited from all county parks and beaches unless not specified in subsection d the Monroe County Code. No person may cause or allow any domestic animal (of whatever size) other than an animal that assists a disabled person to be brought to, or remain on, any county park or beach, with the exceptions of parks and beaches specified in subsection d.

d. Pets are permitted to be taken to Key Largo Park in Key Largo and Sombrero Beach Park in Marathon, subject to pet-friendly park restrictions specified in chapter 13.5 of the Monroe County Code.

e. Except for animals that assist disabled persons, and animals that play a work-related role, domestic animals are prohibited from all county facilities ~~except for these parks and beaches where domestic animals are~~ where specifically allowed by other sections of the Monroe County Code or by resolution of the board.

f. If this subsection (5) is violated, the department is authorized to remove the animal or, in its discretion, to order the owner or keeper to do so.

g. The An owner or keeper of any animal shall immediately remove any excrement deposited by the animal on any property other than that of the owner, whether the animal is lawfully or unlawfully on the property. Failure to do so immediately shall constitute an additional violation of this section.

(6) ~~It is unlawful for any owner or keeper of an animal to transport the animal in the rear of an open truck or other open vehicle unless such animal is tethered in such a fashion that it cannot fall from the vehicle.~~

(7) ~~It is unlawful for any owner or keeper to enclose any animal in a vehicle without provision for adequate ventilation for the animal.~~

(8) ~~It is unlawful for any owner to abandon his or her domesticated animal.~~

3-12 Abandonment of Animals Prohibited.

(1) Keeping or Abandoning an Animal on Private Property. No person shall:

(A) Impound or confine any animal in any place and fail to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

(B) Keep any animals in any enclosure without wholesome exercise and change of air, or

(C) Abandon to die any animal that is maimed, sick, infirm, or diseased.

(2) Abandoning an Animal in a Public Place. No person who is the owner or possessor, or has

charge or custody, of any animal shall abandon such animal to suffer injury or malnutrition or abandon any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal.

Sec. 3-13. Neutering of dogs and cats.

- (1) Required Spay and Neutering. No person in Monroe County shall own, possess, or have control or custody of a dog, or cat four (4) months of age or older which is not spayed or neutered except for those animals for which an exemption license has been issued.
- (2) Licensed Exemptions. Owners and keepers of dogs and cats who do not want their animals spayed or neutered, regardless of the reason, shall obtain an annual license from their local Animal Control Office of Monroe County. The annual fee for this license shall be \$500 per animal.
- (3) Spay, Neuter or License for Exemption Required. No dog or cat which is four (4) months of age or older shall be released by any County Animal Control officer to an owner or keeper unless said animal is spayed or neutered or licensed to be exempt from the spay/neuter requirement.

Sec.3-14. Chaining and tethering animals prohibited.—

- (1) Chaining to stationary objects. No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to dog houses or any other stationary objects.
- (2) Chaining on private property in general. No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to any object, stationary or otherwise, while said animal is on the property of the owner, the owner's landlord, or any other property in Monroe County.
- (3) Confinement. Any dog confined within a fenced yard or pen shall be provided a minimum area of 150 square feet per dog within such enclosure for exercise. For properties which are not fenced, there shall be an enclosure made of chain link or similar fencing materials, with all four sides closed. The enclosure shall be of sufficient height to prevent the dog from escaping.

Sec. 3-11 15. Luring, enticing, seizing, molesting or teasing an animal.

It is unlawful for any No person to shall entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

Sec. 3-16. Cruelty to animals.

- (1) No person shall unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily mutilate or kill any animal, or cause the same to be done, or carry in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

(2) No person shall intentionally commit an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or cause the same to be done.

(3) A veterinarian licensed to practice in the state shall not be cited under the provisions of this section for any decisions made or services rendered to provide care or treatment to a sick or injured animal.

Sec. 3-17. Contagious diseases.

(1) No person, being the owner, or having the charge of any animal, knowing the same to have any contagious or infectious disease, or to have been recently exposed thereto, shall sell, barter, or dispose of such animal without first disclosing to the person to whom the same is sold, bartered, or disposed of, that such animal is so diseased, or has been exposed, as aforesaid.

(2) No person, being the owner, or having the charge of any animal, knowing the same to have any contagious or infectious disease, or to have been recently exposed thereto, shall knowingly permit such animal to come into contact with any such animal of another person without his or her knowledge or permission

Sec. 3-18. Prohibition against fighting or baiting animals.

(1) No person shall knowingly commit any of the following acts:

(A) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

(B) Owning, possessing, or selling equipment for use in any activity described in paragraph (A);

(C) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (A) or paragraph (B);

(D) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;

(E) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;

(F) Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court without the prior authorization of the court;

(G) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(H) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

(2) If a court shall order the County or animal control supervisor seizure of any animals and equipment used in committing a violation of this Section or of Section 828.122, Florida Statutes, the animal supervisor in the geographic area affected shall take such action as is necessary to

provide for appropriate and humane care or disposition of the animals. If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under s. 828.073(2), Florida Statutes, final disposition of the criminal charges, or court-ordered forfeiture, the veterinarian may euthanize the animal as specified in state statutes.

(3) No person who is convicted of a violation of this section shall be permitted to adopt from a County animal shelter any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting.

(4) This section shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided that no state statute or County ordinance is violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(5) This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

Sec. 3-919. Confinement of fierce, dangerous or vicious animals.

(1) Upon complaint, the ~~department manager~~ animal control supervisor shall investigate whether an animal is fierce, dangerous or vicious. If the ~~department manager~~ animal control supervisor finds that such animal is a fierce, dangerous or vicious animal, he shall notify the owner or keeper in writing, stating all the facts known to him, and shall order the owner or keeper to confine the animal to a substantial enclosure, ~~or to chain it securely to the owner's property~~, or otherwise to control it in a reasonable manner specified by the ~~department manager~~ animal control supervisor. The animal control supervisor shall require, at a minimum that:

(A) No fierce, dangerous or vicious animal may be kept on an unenclosed porch, patio or in any part of a house or structure that would allow the animal to exit such building or enclosure on its own volition, nor shall such animal be kept in a house or structure where window screens or screen doors are the only obstacle preventing the animal from exiting the structure.

(B) All owners, keepers or harborers of fierce, dangerous or vicious animals shall display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "Beware of Dangerous Animal" or other appropriate warning language, along with a similar sign which shall be posted on the kennel or pen of such animal.

(2) ~~The~~ No owner or keeper shall ~~immediately comply with~~ permit an animal deemed fierce, vicious or dangerous, to be in non-compliance with the ~~department manager~~ animal control supervisor's written order or any requirement of this section.; ~~Failure to comply constitutes a violation of this chapter and subjects the owner or keeper to the penalties herein of this Chapter and subjects the animal to seizure as provided in this Chapter, under section 3-4 above.~~

(3) Any owner, keeper or harborer of fierce, dangerous or vicious animals, within ten (10) days of the effective date of this Ordinance or of notice by an animal control supervisor that an animal in his or her control or possession is deemed fierce, vicious or dangerous, shall provide proof to the animal control supervisor and to any person claiming to have been injured by said animal that the owner has notified in writing, proof of service required, the insurer of the premises where the animal is kept.

(4) All owners, keepers or harborers of fierce, vicious or dangerous animals, within ten (10) days of the effective date of this Ordinance or of notice by an animal control supervisor that an animal in his or her control or possession is deemed fierce, vicious or dangerous, shall provide the animal control supervisor with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(5) All owners, keepers or harborers of fierce, vicious or dangerous animals must, within three (3) days of the following incidents, report the following in writing to an animal control supervisor:

(A) The removal from the County or death of a fierce, vicious or dangerous animal;

(B) The birth of offspring of a fierce, vicious or dangerous animal;

(C) The new address of a fierce, vicious or dangerous animals if the owner moves within the County limits; and

(D) The animal is on the loose, has been stolen or has attacked a person.

(6) A dog which bites any person or domestic animal may be quarantined, as provided by Section 767.13, Florida Statutes, or Section 3-26, Monroe County Code.

Sec. 3-240. Keeping wild aAnimals and livestock.

(1) Zoning. No livestock, such as cows, goats, sheep or pigs, barnyard animals such as chickens, ducks, rabbits or geese, shall be kept either penned or loose in any zone where not otherwise permitted in Monroe County. Animals considered wild shall not be kept in any residential zone in Monroe County.

(2) Wild Animals.

(A) No person, partnership or corporation shall possess or harbor any wild animal(s). This prohibition does not apply to zoological parks, properly licensed transient animal exhibitions, circuses, or licensed veterinarians or DNR-licensed caregivers to wild animals.

(B) Anyone in possession of a Wild Animal or a crossbreed of a Wild Animal or Exotic Animal with a Domestic Animal, shall meet the following requirements to keep the animal:

(i) Obtain a permit from the animal control officer within 90 days from the publication of this Ordinance. Permits shall be valid for one year from the date of issue, will be renewed if the Owner is in compliance, and will be revoked at any time for noncompliance.

(ii) Keep the animal in a tightly secured cage or pen and restrained at all times. The animal must be muzzled or caged when transported.

(iii) Provide to the animal control officer written proof from a licensed Veterinarian that the animal has been spayed or neutered, or written statements from a licensed veterinarian why the Animal cannot or should not be spayed or neutered.

(C) Instructions for Obtaining a Permit to Possess a Wild Animal.

(i) Submit to the animal control officer a site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. The area and materials used must be in compliance with standards set by the animal control officer, and based upon the size and nature of the animal.

(ii) File an application for permit and the appropriate fee.

(iii) Show proof that liability insurance coverage is in place, specifically stating that the animal is covered.

(iv) Allow the animal Control officer freedom to inspect the area as necessary to assure the health and safety needs are being met.

(v) Submit proof of being in compliance with all other local governmental unit laws and ordinances concerning the keeping of Wild Animals or Exotic Animals.

(D) Permit. Upon approval of an application to own or possess a Wild Animal, the animal control officer shall issue a permit.

(E) Hearing and Disposition. When an animal control officer has reason to believe that an individual possesses an unpermitted Wild Animal, the officer shall submit a report to the Office of the County Attorney. The County Attorney shall decide whether or not to petition the Court for a show cause hearing to determine the animal's status as a Wild animal. If an Animal is determined to be wild by the court, the individual possessing the animal shall immediately comply with the restraint and insurance requirements set forth in this Ordinance. At any time following the judge's decision, if an animal control officer believes any Wild Animal has not been adequately restrained, the animal may be immediately taken into custody and held in a safe and humane manner until the owner can demonstrate compliance. Any individual whose animal has been so held by the animal control officer shall be responsible for the costs incurred as a result of failure to comply with this Ordinance.

Any person possessing a Wild Animal shall have fourteen (14) calendar days following the court's decision to fully comply with this Ordinance. After fourteen (14) calendar days if that person has not so complied, an animal control officer shall issue that person a citation for violating this Chapter. The citation shall require an appearance before a judge and could result in the court-ordered destruction of the Wild Animal, or other disposition, at the cost of the owner.

Sec. 3-821. Seizure, destruction of animals adjudged nuisances; disposal of impounded animals; compensation to owners; exemption of feral cats from the five-day holding period.

(1) When a court of competent jurisdiction adjudges an animal a nuisance under this chapter or other law, the ~~department-manager~~ animal control supervisor or ~~authorized-assistant~~ animal control officer may seize the animal and offer it for adoption, or destroy it in an humane manner.

(2) The ~~department-manager~~ animal control supervisor may likewise offer for adoption, destroy or otherwise dispose of any animal impounded pursuant to this chapter but only according to the following procedure. Unless determined by a veterinarian to be diseased or in pain, an animal may not be destroyed during the first five (5) working days after impoundment. In addition, an animal may not be adopted out or released to anyone other than its owner during the first five working days after impoundment. If the animal is not destroyed according to a veterinarian's determination or claimed by its owner during the initial five-day period, then the animal may be offered for adoption or destroyed if:

(1A) No owner exists; or

(2B) An owner is not identified within five (5) working days after attempts by the ~~department-manager~~ animal control supervisor to do so; or

(3C) The owner exists but cannot be contacted after reasonable attempts by the ~~department-manager~~ animal control supervisor to do so for a reasonable period of time; or

(4D) An owner has been contacted but has by his/her actions, failure to act, or statements, indicated an intent to abandon the animal.

(3) The ~~department-manager~~ animal control supervisor shall make every reasonable effort to identify and notify owners or keepers of the impoundment of their animal pursuant to this chapter, and such efforts shall be made for a reasonable period of time as determined by the board by resolution. However, where the ~~department-manager~~ animal control supervisor complies fully and makes every reasonable effort based on the situation to identify and notify such owners and keepers, and where such efforts fail, resulting in the adoption or destruction or other disposal of the animal, the ~~department-manager~~ animal control supervisor shall be deemed to have complied fully with due process of law, and no owner or keeper shall be entitled to any compensation for loss of the animal.

(4) In the case suspected feral cats, the ~~department-manager~~ animal control supervisor has the authority to hold and observe the suspected feral cat for a seventy-two-hour period; thereafter, if the cat is determined to be feral by the ~~department-manager~~ animal control supervisor, he or she has the authority to euthanize the feral cat prior to the five-day holding period.

(5) Any animal voluntarily turned in to the Animal Control Shelter for the purpose of euthanasia, or any animal that is sick, injured or otherwise suffering, need not be held for the requisite time periods set forth in this Section. In such case, the animal control officer may immediately humanely destroy the animal in accordance with the standards of Florida Statutes

(6) The Animal Control Supervisor shall maintain a record of when, where and under what circumstances each animal was seized. The record must also include the dates of notices sent to owners and the disposition of each animal.

(7) Any owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The animal control officer shall not release any impounded animal to an owner who has been convicted with animal cruelty, abandonment or neglect or other violations of State law or of this Chapter without a Court Order following a show cause hearing in which the owner establishes that he or she can and

will own and keep the animal in a humane fashion, and in accordance with State laws and this Ordinance.

Sec. 3-1022. Seizure of animals by property owners or tenants; delivery to department manager animal control supervisor; impoundment and disposal; standard of care to be exercised by seizing party.

~~The board finds and declares that problems of animal overpopulation in Monroe County require not only the resources of the county's animal control department, but also the aid and assistance of private deputies. Therefore:~~

(1) It is lawful for a property owner or tenant to seize in an humane manner any dog, cat or other animal running at large on his property in violation of section 3-711 of this chapter. Where such seizure is made, the property owner or tenant shall immediately deliver the animal to the ~~department manager animal control supervisor~~ or his assistant ~~animal control officer~~. The property owner or tenant shall treat the animal humanely and shall exercise utmost care to ensure the animal's safety and well being.

(2) ~~The department manager~~ An animal control supervisor may impound any animal delivered by its owner, or by a property owner or tenant pursuant to paragraph (1), and may release or dispose of the animal pursuant to this chapter.

(3) Any person who seizes an animal pursuant to this section shall exercise utmost care to treat the animal humanely and to avoid any injury, sickness, hunger or any other ailment or affliction whatsoever in both the seizure of the animal and the delivery of the animal to the ~~department manager animal control supervisor~~. Any person unable to comply with the foregoing for any reason shall not seize and deliver any animal; and any person who does injure or maim any animal or who does subject an animal to hunger, sickness, or any other ailment or affliction, either intentionally or negligently, in the exercise of the person's authority under this section, is in violation of this chapter and subject to the penalties herein.

Section 3-23. Investigation

1) For the purpose of discharging the duties imposed by this Chapter and to enforce its provisions, any animal control officer or any sheriff's deputy or police officer is empowered to enter upon any premises on which an animal is kept or harbored to demand the exhibition of a kennel license by the owner or operator thereof.

2) An animal control officer or any sheriff's deputy or police officer may enter unenclosed premises where an animal is kept upon reported information and belief in a cruel or inhumane manner and demand to examine the animal and seize and impound the animal when, in his or her opinion, the animal is subjected to cruel or inhumane treatment, abandonment or neglect.

3) A sheriff's deputy or police officer may enter premises pursuant to right of entry laws governing criminal activity where an animal is kept in violation of the criminal laws of this State.

4) An animal control officer is authorized to request an administrative search warrant from the Court if he or she has probable cause to believe that violations of this Chapter which constitute a reasonable fear or expectation that an animal is subject to abandonment, abuse, injury, or neglect is contained within a building or other enclosure for which the officer is not authorized to enter absent a warrant.

Sec. 3-1224. Enforcement; fines.

(1) *Violations Observed.* Upon observing a violation of this chapter, the ~~department manager~~ animal control supervisor or a sworn animal control ~~Officer~~ or any other law enforcement ~~Officer~~ may either:

- (a) Issue a citation to the owner or keeper of the animal, which shall be in substantially the same form approved by Board resolution for this purpose, and which shall contain:
 1. The date and time of the issuance of the citation;
 2. The name and address of the person cited;
 3. The date and time the civil infraction was committed;
 4. The facts constituting probable cause for the issuance of the citation;
 5. The ordinance violated;
 6. The name and authority of the Officer issuing the citation;
 7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
 8. A statement of the maximum civil penalty (not to exceed \$500.00) which may be imposed if the person cited contests the citation and is determined to have violated the ordinance;
 9. A statement of the civil penalty payable if the person cited does not contest the citation;
 10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, or fails to appear in court as required by the citation, he shall be deemed to have waived his right to contest the citation, and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty of five hundred dollars (\$500.00). In addition, if a person fails to pay the civil penalty, or fails to appear in court to contest the citation or fails to appear in court as required by the citation, the court may issue an order to show cause upon the request of the governing body of the county. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

~~Any person willfully refusing to sign and accept a citation issued by an Officer shall be guilty of a misdemeanor of the second degree, punishable by a term of imprisonment not to exceed sixty (60) days or a fine not to exceed five hundred dollars (\$500.00) in addition to the civil penalty.~~

(b) Impound the animal which is the subject of the violation and commence prosecution of the offense pursuant to this Chapter or Florida Statutes section 828.247(1)(f).

- (c) 1. The following type of violations of this chapter require a mandatory court appearance by the person cited:
 - a. Aggravated violations resulting in the unprovoked biting, attacking or wounding by a domestic animal;
 - b. Violations resulting in the destruction or loss of personal property;
 - c. Second or subsequent violations; or
 - d. Violations resulting in the issuance of a third or subsequent citation.
2. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.
3. The director of public works shall maintain records to prove the number of citations issued to any one (1) person.

(2) *Complaints of Violations Not Observed.* Upon receipt of an affidavit of complaint signed by one (1) person under oath before an individual authorized to take acknowledgments, setting forth the nature and date of the act, the owner or keeper of the animal, the address of the owner or keeper, and a description of the animal, the ~~department manager~~ animal control supervisor or a sworn animal control ~~A~~officer or other law enforcement ~~Agent~~officer shall investigate the complaint to determine whether there is probable cause to believe a violation of this chapter has occurred. If probable cause exists, the ~~department manager~~ animal control supervisor or a sworn animal control Officer shall commence prosecution of the offense pursuant to Florida Statutes section 828.27(1)(f).

(3) *Punishment.* Upon conviction, any person violating this chapter shall be punished as provided by law. Each day during which the violation continues shall be deemed a separate offense.

(a) Violations of any provision of this chapter shall constitute a civil infraction. The maximum civil penalty shall not exceed five hundred dollars (\$500.00) per violation.

(b) Court costs, surcharges and other special charges shall be deducted by the clerk of the circuit court in the same manner and amounts as provided for class 1 noncriminal violations.

(c) If the party cited does not contest the citation, the penalty given shall be one hundred dollars (\$100.00) except as follows:

(i) Violations of Sections 3-12, 3-13, 3-14, 3-16. Violation by an owner or keeper of a dog or cat of Sections 3-12 governing abandonment, 3-13 governing spaying and neutering, 3-14 governing chaining and tethering and 3-16 governing cruelty to animals constitutes a civil infraction for which the owner or keeper of said animal shall be issued a citation by an officer having probable cause to believe a person has committed an act in violation of those sections. If the citation is paid, the citation shall be subject to the following penalties for each animal:

| | |
|----------------------------------|----------------------|
| <u>First Violation</u> | <u>Warning</u> |
| <u>Second Violation</u> | <u>Fine of \$100</u> |
| <u>All Subsequent Violations</u> | <u>Fine of \$250</u> |

ii) Violators ineligible for pet redemption or adoption from Monroe County Shelter.

(1) Second and subsequent violations of 3-12 and 3-14. Any person who has been cited for a violation of Sections 3-12 or 3-14 and who has not obtained a Monroe County Court order dismissing the citation shall be ineligible to redeem or adopt any animal from a Monroe County animal shelter for a period of three (3) years from the date of said citation.

(2) Violations of 3-16. A person convicted of a violation of Section 828.12, Florida Statutes or cited for a violation of Section 3-16, which citation has not been dismissed or overruled by a court of law shall not be permitted to adopt any animal from any County animal shelter until proof is provided that the person has undergone psychological counseling with regard to the violation or completed an anger management treatment program. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(d) County surcharge. For each civil penalty imposed for violation of an ordinance relating to animal control or cruelty, a surcharge of \$5 shall be paid by the person charged to Monroe County. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.

(e) Contesting Citation. Anyone who receives a citation under this section may, within ten days of the issuance of the citation, petition the County Court for a hearing on the merits. A copy of the petition for appeal shall be filed with the Animal Control Office from which the citation was issued. Filing of the petition with the Court shall stay the requirement to pay the fine until the date of the hearing scheduled by the Court. Failure to appear at the scheduled hearing shall subject the petitioner to the remedies set forth in this Chapter.

(f) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court when required by a citation mandating court appearance, the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

(4) Failure to sign citation. Any person willfully refusing to sign and accept a citation issued by an Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, or a fine not to exceed five hundred dollars (\$500.00) in addition to the civil penalty.

(5) Each act or omission, per animal, a separate offense. A violation of this Chapter as to each animal in the care, custody or control of a person constitutes a separate offense, each separate offense being subject to the penalties provided in this Chapter.

In all situations where penalties are provided for any act or omission, they shall be held to apply to each and every act or omission. When any act or omission is of a continuing character, each and every day's continuance of the act or omission constitutes a separate offense and a presumption of continuing harm and violation of this Ordinance which may be separately charged and punished according to the provisions of this Ordinance...

(6) Proof. The commission of a charged infraction at a hearing authorized pursuant to this chapter must be proven by a preponderance of the evidence.

Sec. 3-1325. Surrender of animal to ~~department-manager~~ animal control supervisor; interference with ~~department-manager~~ officer in performance of duty.

It is unlawful for any person to refuse to surrender an animal upon lawful demand by the ~~department-manager~~ animal control supervisor or his ~~authorized assistant~~ an animal control officers. It is unlawful for any person to attempt to take any animal from the custody of the ~~department-manager~~ animal control supervisor or his ~~assistant~~ an animal control officers or to attempt to take any animal from a county pound without permission of the ~~department-manager~~ animal control supervisor or his ~~assistants~~ an animal control officers in the performance of their duties under this chapter.

Sec. 3-1426. Quarantine provisions; impoundment and treatment of sick and injured animals; disposal of dead animals.

(1) When a domesticated animal has bitten a person or another animal, or is believed to have bitten a person or another animal, or is suspected by the ~~department-manager~~ animal control supervisor to have rabies, it shall be quarantined by a licensed veterinarian under the supervision

of the ~~department manager~~ animal control supervisor, or the animal may be held in quarantine at a county facility. The quarantine shall be for a ~~reasonable period of time, as determined by the department manager~~ ten days. At the end of the ten day quarantine, the Owner shall pay all costs of quarantine and provide documentation to prove ownership and that the animal is currently protected by a rabies vaccination in order to redeem the animal. If, during the ten (10) day holding period, the animal displays symptoms of rabies, then an animal control officer shall humanely destroy the animal and immediately send the animal or sample specimen to a Lab approved by the Department of Health.

(2) The ~~department manager~~ animal control supervisor may impound any animal believed to be carrying an infectious or contagious disease, or any injured animal, and may retain the services of a licensed veterinarian to treat it. The ~~department manager~~ animal control supervisor may accept sick or injured animal upon delivery. When a sick or injured animal is owned and the owner is identified, such owner shall be liable for payment of veterinary expenses or reimbursement of the county's expenses in treating the animal. At the discretion of the ~~department manager~~ animal control supervisor, a sick or injured animal may be destroyed or otherwise disposed of, and its remains disposed of without compensation to the owner or keeper, provided that the ~~department manager~~ animal control supervisor shall make reasonable effort to notify the owner or keeper that the animal is impounded.

~~A dog or cat which is not inoculated against rabies or which is not licensed shall not be released until provisions have been made to inoculate and license the animal properly.~~ The ~~department manager~~ animal control supervisor shall charge the owner the applicable fee for vaccination or licensing. When an impounded animal is not claimed within a reasonable period of time, as determined by board resolution, the ~~department manager~~ animal control supervisor may transfer custody or ownership of the animal to a humane agency or a new owner, or may destroy the animal and dispose of its remains. In either event, the owner or keeper will not be entitled to compensation.

(3) When an animal dies, the owner or keeper of the animal shall dispose of the remains immediately. When the ~~department manager~~ animal control supervisor or his assistant animal control officer discovers a dead animal, he shall notify the owner or keeper, if known, and shall order the owner or keeper to dispose of the remains immediately. If the party notified fails to comply within twenty-four (24) hours, the ~~department manager~~ animal control supervisor shall cause the remains to be disposed of and shall bill the animal owner or keeper, as appropriate, for the costs of disposal. Such animal owner or keeper may further be held in violation of this chapter and punished as provided herein. The ~~department manager~~ animal control supervisor shall dispose of the remains of an animal which has died on public property, but only where an owner or keeper cannot be notified. Nothing in this section shall be deemed to limit or contravene the provisions of Florida Statutes section 823.041.

(4) Any wild animal that bites or otherwise exposes a human to rabies shall be immediately killed and tested for rabies unless the county health Officer determines the circumstances warrant an exception.

Sec. 3-1527. Impounding, redeeming by owner, disposition of unredeemed dogs.

(1) *Impoundment Authorized.* Any dog found without a current tag or any animal found in violation of this chapter may be caught by an ~~authorized county employee or an authorized employee of the humane society authorized by the county~~ animal control officer or anyone acting under its direction animal control supervisor, and imprisoned and impounded at a place maintained or designated for that purpose.

(2) *Disposal of Unredeemed Animals: Fees.* After a period of confinement of five (5) days, those animals not claimed may be disposed of through approved humane agencies, or otherwise in a humane manner. Animals shall be released to owners on presentation of proof of ownership

and after proper inoculation, licensing and payment of fees as well as sterilization if necessary to comply with this Chapter.

(3) *Adoption of Unclaimed Animals.* The fee for the adoption of an unclaimed animal shall be as adopted by the board of county commissioners plus the any cost required by Florida Statutes to qualify the animal for adoption.

Sec. 3-1628. Number of dogs, and cats and ferrets restricted.

(1) No person ~~may shall own, possess, shelter, keep, or harbor~~ more than four (4) domestic animals dogs, cats or ferrets over four (4) months of age at any one time, at any one residence or address on any premises, unless the said animals are held in a veterinary medical facility or government operated or licensed animal protection shelter or six (6) months or younger, without operating a duly-licensed kennel, cattery or pet shop.

(2) Any number of birds may be kept as long as they are adequately and humanely cared for, and their noise does not reasonably intrude into the domain of other persons, and their keeping does not create any threat to the health and safety of the public due to unsanitary conditions.

Sec. 3-29. Poison prohibited. No person shall leave or deposit any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person.

Sec. 3-1730. Keeping of fowl or wildlife.

(1) The county ~~shall not accept for purposes of disposal or relocation only raccoons and such other wild animals as designated by the board in a resolution. If not provided by ordinance or resolution the County shall have no nor be responsible for the keeping of responsibility to seize, impound or care for any non-domesticated fowl or wildlife.~~

(2) An animal control supervisor or animal control agent may issue a citation to anyone who keeps any non-domesticated fowl or wildlife in a manner so as to constitute a hazard to the health or safety of the public or to constitute a public nuisance. Failure of the owner or keeper to abate the nuisance shall be subject to the public nuisance laws of this Chapter.

Sec. 3-1831. ~~Racing greyhounds, and others,~~ Animals in County less than 30 days exempt.

~~The vaccination and licensing provisions of this chapter shall not apply to greyhounds kept, maintained or brought into the county for the purpose of racing at licensed greyhound tracks, or to dogs used as part of entertainment acts when properly controlled, or when dogs animals which remain in the county for a period of less than thirty (30) days.~~

Sec. 3-19. ~~Contract with humane organizations.~~

~~It is hereby authorized that the board of county commissioners, by resolution, may contract with any private nongovernmental humane organization for the performance of operation of animal shelter facilities and of this chapter, according to the provisions of section 2-9.~~

Sec. 3-232. Rules and regulations.

The board may enact reasonable rules and regulations to implement and carry out the provisions of this chapter, including but not limited to, the right to regulate or exempt certain animals from this chapter, and the right to regulate the numbers and types of animals and the conditions under which they may be maintained in residentially zoned areas.

Sec. 3-233. Areas of enforcement.

Pursuant to article VIII section 1 of the Constitution of the State of Florida, the board may enforce this chapter throughout the unincorporated areas of Monroe County, and within the incorporated areas of the county to the extent the chapter does not conflict with any municipal ordinance.

Sec. 3-34. Animals found in distress; when agent may take charge; hearing; disposition; sale.--

(1) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

(a) Removed from its present custody, or

b) Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, or any animal control officer, and given protection and an appropriate and humane disposition made.

(2) Any law enforcement officer or any animal control officer may:

(a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or

(b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the county court judge of the county wherein the animal is found for a hearing, to be set within 30 days after the date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control officers.

(3) The officer or animal control officer taking charge of any animal pursuant to the provisions of this section shall have written notice served, at least 5 days prior to the hearing set forth in subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in conformance with the provisions of chapter 48 relating to service of process. The sheriff of the county shall not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication in conformance with the provisions of chapter 49.

(4) (a) The officer or animal control officer taking charge of an animal as provided for in this section shall provide for the animal until either:

1. The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or

2. The animal is turned over to the officer or animal control officer as provided in paragraph (c) and a humane disposition of the animal is made.

(b) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or animal control officer be claimed and removed by the owner within 7 days after the date of the order.

(c) Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

1. The court shall order the animal to be sold by the sheriff at public auction, and shall provide in its order that the current owner shall have no further custody of the animal and that any animal not bid upon shall be remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or

2. The court may order the animal destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit, upon the testimony of the agent who took custody of the animal, or upon the testimony of other qualified witnesses, that the animal requires destruction or other disposition for humanitarian reasons or is of no commercial value.

3. Upon proof of costs incurred by the agent or officer, the court may require that the owner pay for the care of the animal while in the custody of the animal control officer or officer. A separate hearing may be held.

4. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or animal control officer, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.

(5) In determining the person's fitness to have custody of an animal under the provisions of this act, the court may consider, among other matters:

(a) Testimony from the animal control officer or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.

(b) Testimony and evidence as to the veterinary care provided to the animal.

(c) Testimony and evidence as to the type and amount of care provided to the animal.

(d) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.

(e) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.

(f) The owner's past record of judgments under the provisions of this chapter.

(g) Convictions under the statutes prohibiting cruelty to animals.

(h) Any other evidence the court considers to be material or relevant.

(6) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and provide adequately for the animal.

(7) In any case in which an animal is offered for auction under the provisions of this section, the proceeds shall be:

(a) Applied, first, to the cost of the sale.

(b) Applied, secondly, to the care and provision for the animal by the officer or animal control officer taking charge.

(c) Applied, thirdly, to the payment of the owner for the sale of the animal.

(d) Paid over to the court if the owner is not known.

(8) If an animal shelter or other location is unavailable, a court may order the animal to be impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and to allow regular inspections of the animal by a person designated by the court.

(9) If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under Sec. 828.073(2), Florida Statutes, final disposition of the criminal charges, or court-ordered forfeiture, the veterinarian may euthanize the animal as specified in s. 828.058, Florida Statutes. A veterinarian licensed to practice in this state shall be held harmless from criminal or civil liability for any decisions made or services rendered under this subsection.

(10) If an animal can be housed in a humane manner, the provisions of s. 828.073, Florida Statutes, shall apply. For the purpose of a hearing, any animal baited, bred, trained, transported, sold, owned, possessed, or used for the purpose of animal fighting or baiting shall be considered mistreated.

(11) In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is found in violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.

(12) This section shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided that prohibitions against cruelty to animals are not violated; or

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(13) This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

Section 3-35 – Standards of animal care

(1) This Section applies to all persons who are owners, care for, or are custodians of animals, whether as individual persons or as any other legal entity. Any person who allows an animal habitually to remain and be lodged within his house, store, building, enclosure or premises shall be considered an Owner for purposes of this Chapter. These standards of care are supplementary to, and do not diminish or negate any other requirements or prohibitions of this Chapter.

(2) Every owner or caregiver of an animal shall provide the animal with sufficient good and wholesome food and water, the minimum standards of which are as follows:

(A) Sufficient food: Provisions not exceeding 24 hours of a quantity of wholesome foodstuff suitable for the animal's specific species and age and which maintains a reasonable level of nutrition.

(B) Sufficient water: Constant access to a supply of clean, fresh potable water provided at intervals not to exceed 24 hours.

(3) Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

(4) Every owner or caregiver of animals shall provide all animals with a shelter that shall be a structure which is ventilated and protected from excessive heat and cold and of sufficient size to permit the animals to exercise and move about freely.

(5) The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals if necessary to prevent transmittal of disease.

(6) Any operator of a motor vehicle who strikes a dog, cat or other animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained, the operator shall immediately report the accident to the appropriate law enforcement agency or local animal protection shelter.

(7) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

(8) No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail, or spay or neuter an animal.

(9) Animals shall be disposed of in a humane manner. Under no circumstances shall an animal be killed by the Animal Control Officer or a Police Officer when away from the Animal Control Shelter, except in emergency cases or when medical help for an injured or suffering animal cannot be obtained within a reasonable period of time.

(10) Housing Conditions for multi-animal housing.

(A) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(B) Every building or enclosure where animals are maintained shall be constructed of material which can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

(C) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(D) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

(E) No person shall fail to provide an animal with adequate shelter any time an animal is confined in such a manner that it is unable to seek shelter, regardless of the length of time the animal is out in the weather.

(11) No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property, and:

(A) No condition shall be maintained or permitted that is or could be injurious to the animals.

(B) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(C) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

(12) No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

(13) Working animals shall be given adequate rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

(14) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay wood shavings or dirt). At a minimum, working animals shall be given twenty minute breaks every

distress.

(15) No person shall allow any animal which any Monroe County Animal Control Shelter has suspended from use, to be worked or used until released by the Monroe County Animal Control Shelter.

(16) NO PERSON HAVING A DOMESTIC ANIMAL AS A PET IN HEAT SHALL PERMIT THE ANIMAL TO BE CONTAINED IN SUCH A FASHION THAT STRAY ANIMALS HAVE ACCESS TO HER, OR THAT PERMITS THE ANIMAL TO ESCAPE.

(17) No owner shall permit a dog or cat to leave the owner's premises unless such animal is under direct control of the owner or is wearing a leash of sufficient strength to restrain the particular animal and is under the positive control of a person of suitable age and discretion.

(18) Gifts of Animals. No person shall offer as a prize or give away any live animal/fowl in any contest, raffle, promotional event, lottery, or as enticement for fund raising, or for entry into any place of business.

(A) No person shall sell, or offer for sale, barter or give away as pets or novelties rabbits two (2) months old or younger, or baby chicks except for the display or sale of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling chicks or ducklings to be raised for commercial purposes.

(B) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement. No person shall offer any live animal, fish, reptile, or bird as an incentive to enter into any business agreement where the offer is made for the purpose of attracting trade.

(C) No person shall dye, artificially color, spray or paint any live bird or fowl or other animal, or to sell, offer for sale, or otherwise dispose of any colored bird, fowl or other animal.

(19) Animals in Motor Vehicles.

(A) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.

(B) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. An animal control officer, a law enforcement officer and their agents are authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.

(C) No person shall permit an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including, but not limited to dangerous temperatures, lack of air, food, water or proper care.

(D) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

(20) Dangerous Animal And Vicious Animal Care. Every Dangerous Animal and Vicious Animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(21) Ferret Owners' Responsibilities.

(A) A person who owns or harbors a ferret that has bitten, scratched, caused abrasions or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall report the incident within 48 hours to the County Health Department.

(B) A person who owns or harbors a ferret that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions or contaminating open wounds or mucous membranes with saliva or other infectious material, shall handle the ferret in accordance with current published guidelines of the Centers of Disease Control and Prevention and State law.

(C) No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(D) No person shall release a ferret into the wild or abandon a ferret.

(22) Dead Animals. It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

(A) To put any dead animal or part of the carcass of any dead animal, into any body of water, road, street, alley, lane, or other public property.

(B) To allow the carcass of a dead animal to be left unattended and not properly disposed of for more than 72 hours after the death of the animal.

Sec. 3-2236. Construction of provisions.

The provisions of this chapter shall be liberally construed in order to effect the purposes of this chapter.

Section 2. Section 19-153(b), MCC, is hereby repealed.

Section 3. SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

Section 4. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. EFFECTIVE DATE. This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ the day of _____, 2006.

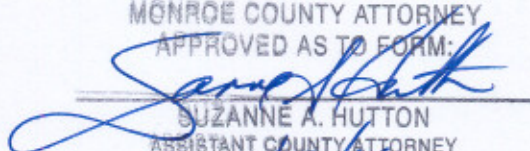
Mayor McCoy
Mayor Pro Tem Nelson
Commissioner Neugent
Commissioner Rice
Commissioner Spehar

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date: 2/13/06